

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JONATHAN MARCUS GREEN, §
§
Petitioner, §
§
v. § MISC. ACTION NO. H-05-131
§
BRAD LIVINGSTON, §
§
Respondent. §

ORDER DENYING WITHOUT PREJUDICE
PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

Petitioner Jonathan Marcus Green filed a motion for appointment of counsel. He asks that Michael A. Maness, Esq., who represented Green in his state postconviction proceeding, be appointed to represent him.

Title 21 U.S.C. § 848(q)(4)(B) provides for appointment of counsel in a habeas corpus proceeding when the petitioner is financially unable to obtain adequate representation on his own. Green has not submitted an affidavit asserting that he has no money and no source of income. 21 U.S.C. § 848(q)(6) and (7) specify qualifications required of appointed counsel. Petitioner's motion does not list Mr. Maness' qualifications.

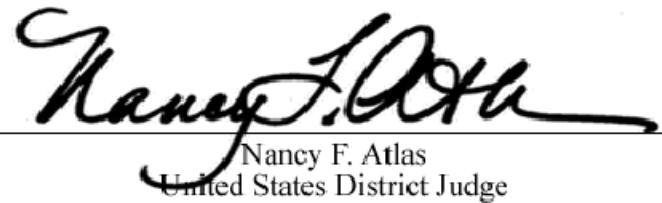
Accordingly,

IT IS ORDERED that Petitioner's Motion For Appointment Of Counsel (Docket

Entry 1) is **Denied Without Prejudice** to its renewal with proper supporting documentation.

SO ORDERED.

SIGNED at Houston, Texas, on this **6th** day of **May, 2005**.



Nancy F. Atlas
United States District Judge